

REMARKS/ARGUMENTS

The claims are 1-7 and 9, claims 10, 11, 14 and 15 having been withdrawn from consideration by the Examiner as directed to a non-elected invention. Reconsideration is expressly requested.

Claims 1-5, 6, 7 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over the previously-cited *Johnson et al.* U.S. Patent No. 5,769,826 in view of newly-cited *Allard* U.S. Patent Application Publication No. 2004/0186426. Essentially, the Examiner's position was that *Johnson et al.* discloses the hollow needle holder recited in the claims except for a locking mechanism having a closure device comprising at least one slide for both unlocking the hollow needle fixing device and closing the hollow needle container, that *Allard* discloses this feature, and that it would have been obvious to one of ordinary skill in the art to modify *Johnson et al.* so as to have the unlocking mechanism of *Allard*.

This rejection is respectfully traversed.

As set forth in claim 1, Applicants' invention provides a hollow needle holder including a hollow needle container, a

hollow needle fixing device for receipt of a hollow needle or adapter for a hollow needle, and an unlocking mechanism for releasing the hollow needle or adapter after use so that the hollow needle fixing device together with the hollow needle or adapter falls into the hollow needle container after activation of the unlocking mechanism. The hollow needle container has first and second faces, the first face having a closable opening, and the hollow needle fixing device being disposed from the inside of the hollow needle container on the second face.

As recited in claim 1, the hollow needle or adapter is attachable to the hollow needle fixing device through an opening in the second face of the hollow needle container from the outside which permits one to attach the hollow needle directly in the assembled state. In addition, the unlocking mechanism has a closure device including at least one slide for both unlocking the hollow needle fixing device and closing the hollow needle container, which promotes increased security and handling.

None of the cited references discloses or suggests a hollow needle holder having the structure recited in claim 1, or teaches the benefits that result from that structure which makes it possible to attach the hollow needle directly before use at the

hollow needle container and to have at least one slide both unlock the hollow needle fixing device and close the hollow needle container for increased security and handling.

Contrary to the Examiner's position, *Johnson et al.* fails to disclose a hollow needle attachable to a hollow needle fixing device from outside through an opening in the second face of the hollow needle container. In *Johnson et al.*, the hollow needle 42 and the needle carrier 30 form one piece only (see description at col. 3, lines 4-7 of *Johnson et al.*). With the arrangement of *Johnson et al.* it is not possible to insert and fix (attach) the hollow needle 42 just prior to the use of the needle in the needle carrier 30. Instead, *Johnson et al.*'s unit including the needle 42 and the needle carrier is inserted into the cylindrical barrel 10 through the other, opposite opening.

As Applicants understand *Johnson et al.*, there is no disclosure or suggestion of a hollow needle attachable to the hollow needle fixing device (30 & 50) through an opening in the second face of the hollow needle container. The term "attachable" has the meaning of inserting and fixing the hollow needle in the hollow needle fixing device. Commonly used needles have a flange like attaching means (evident e.g. from FIG. 16,

needle 5 of Applicants' disclosure) that can be screwed into an inside thread 19 and a passage 18 of the hollow needle fixing device 4 as shown in FIG. 5. See first full paragraph on page 21 of the disclosure. As expressly stated, this inside thread 19 is accessible from the outside in the assembled state. Thus, with Applicants' arrangement as recited in claim 1, it is possible to insert and screw in, i.e. to attach, the hollow needle directly before its use at the hollow needle container. See paragraph bridging pages 6-7 of the disclosure. In this way, commonly distributed hollow needles can be used, and it is easy to keep the hollow needle in a sterile condition until usage without the necessity of sterilizing the entire needle holder container that itself does not come into contact with blood. This feature is nowhere disclosed or suggested by *Johnson et al.*, and it is not possible with *Johnson et al.*'s arrangement.

The same is true with respect to the secondary reference to Allard. Like *Johnson et al.*, it is not possible to screw in or attach the hollow needle through an opening in the second face as this second face is covered by a rubber puncture pad 80 in *Johnson et al.* or a seal 14 in Allard with self-sealing functionally after retraction of the needle.

In addition, as the Examiner has recognized, *Johnson et al.* does not disclose or suggest an unlocking mechanism having a closure device including at least one slide for both unlocking the hollow needle fixing device and closing the hollow needle container. Although the Examiner has taken the position that *Allard* teaches an unlocking mechanism having a slide (7, 17, see FIG. 1 of *Allard*) capable of both unlocking the hollow needle fixing device and closing the hollow needle container, it is respectfully submitted that the Examiner is incorrect in this reading of *Allard*.

In *Allard*, the slide 7, 17 serves only as a release pin (see page 1, second column, middle of *Allard*) and does not contribute at all to a sealing of syringe housing 4. As is evident in particular from FIG. 2 of *Allard*, even in the released state the slide 7, 17 does not protrude into the inside of the housing 4. For sealing, a separate seal 14 is disposed covering the opening in the second face of the housing 4 (see page 2, first column, middle of *Allard*). The function of this seal, however, is entirely unrelated to the unlocking mechanism with slide 7, 17. Seal 14 prevents any inside contaminated fluid that may be in chamber 4b from leaking to the outside of the syringe. However, as expressly stated at the end of paragraph [0010] of *Allard*,

during retraction of the needle, blood might be wiped off the needle by the seal. To capture this blood, a further cavity 15 is provided at the housing in Allard. However, with Allard's arrangement it is still possible that contaminated blood drops out of the unclosed cavity 15 which can infect the user of the syringe. Thus, for absolutely encapsulating the housing, Allard proposes to use an additional cap.

In contrast, with Applicants' invention as recited in claim 1, such cavity and additional cap is entirely unnecessary as the at least one slide first unlocks the hollow needle fixing device leaving an opening large enough for the hollow needle to freely fall into the container. Thus, no blood is wiped off the needle by a seal covering the needle tightly. Upon further pushing of the slide, the slide entirely covers the remaining opening. Accordingly, the slide itself serves both as an unlocking and as a closing means completely closing the housing at one side which improves the security and the handling with respect to the prior art cited by the Examiner.


Accordingly, it is respectfully submitted that claim 1 is patentable over the cited references together with claims 2-7 and

9, which depend directly or indirectly thereon. In view of the foregoing, withdrawal of the final action and allowance of this application are respectfully requested.

Respectfully submitted,

Johann Karl KITTA ET AL.

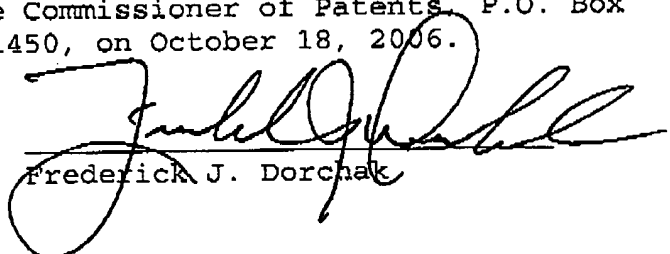
COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
(516) 365-9802  
FJD:djp

  
Frederick J. Dorchak, Reg.No.29,298  
Attorneys for Applicants

**CERTIFICATE OF FACSIMILE TRANSMISSION**

Fax No. 571-273-8300

I hereby certify that this correspondence is being sent by facsimile-transmission to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 18, 2006.

  
Frederick J. Dorchak